

House File 783 - Enrolled

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HOUSE FILE 783

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1 3 AN ACT
1 4 RELATING TO CERTAIN CITY UTILITIES OR CITY ENTERPRISES BY
1 5 MAKING CHANGES TO PROCEDURES FOR NOTICE AND COLLECTION OF
1 6 DELINQUENT CHARGES AND BY MAKING CHANGES TO BILLING
1 7 NOTIFICATIONS FOR WATER SERVICE AND OTHER SERVICES PROVIDED
1 8 TO CERTAIN RESIDENTIAL RENTAL PROPERTY.
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1 10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 11
1 12 Section 1. Section 384.84, subsection 2, paragraphs c and
1 13 d, Code 2007, are amended to read as follows:
1 14 c. A city utility or enterprise service to a property or
1 15 premises shall not be discontinued unless prior written notice
1 16 is sent, by ordinary mail, to the account holder by ordinary
~~1 17 mail in whose name the delinquent rates or charges were~~
1 18 incurred, informing the account holder of the nature of the
1 19 delinquency and affording the account holder the opportunity
1 20 for a hearing prior to discontinuance of service. If the
1 21 account holder is a tenant, and if the owner or landlord of
1 22 the property has made a written request for notice, the notice
1 23 shall also be given to the owner or landlord.
1 24 d. (1) If a delinquent amount is owed by an account
1 25 holder for a utility service associated with a prior property
1 26 or premises, a city utility, city enterprise, or combined city
1 27 enterprise may withhold service from the same account holder
1 28 at any new property or premises until such time as the account
1 29 holder pays the delinquent amount owing on the account
1 30 associated with the prior property or premises. A city
~~1 31 utility, city enterprise, or combined city enterprise shall~~
1 32 not withhold service from, or discontinue service to, a
1 33 subsequent owner of the prior property or premises unless such
1 34 delinquent amount has been certified in a timely manner to the
1 35 county treasurer as provided in subsection 3, paragraph "a",
2 1 subparagraph (1).
2 2 (2) Delinquent amounts that have not been certified in a
2 3 timely manner to the county treasurer as provided in
2 4 subsection 3, paragraph "a", subparagraph (2), are not
2 5 collectible against any subsequent owner of the property or
2 6 premises.
2 7 Sec. 2. Section 384.84, subsection 3, Code 2007, is
2 8 amended to read as follows:
2 9 3. a. (1) Except as provided in paragraph "d", all rates
2 10 or charges for the services of sewer systems, storm water
2 11 drainage systems, sewage treatment, solid waste collection,
2 12 water, solid waste disposal, or any of these services, if not
2 13 paid as provided by ordinance of the council or resolution of
2 14 the trustees, are a lien upon the property or premises served
2 15 by any of these services upon certification to the county
2 16 treasurer that the rates or charges are due.
2 17 (2) If the delinquent rates or charges were incurred prior
2 18 to a transfer of the property or premises and such
2 19 delinquencies were not certified to the county treasurer prior
2 20 to the date of transfer, the delinquent rates or charges are
2 21 not eligible to be certified to the county treasurer. If
2 22 certification of such delinquent rates or charges is attempted
2 23 subsequent to a transfer of the property or premises, the
2 24 county treasurer shall return the certification to the city
2 25 utility, city enterprise, or combined city enterprise
2 26 attempting certification along with a notice stating that the
2 27 delinquent rates or charges cannot be made a lien against the
2 28 property or premises.
2 29 (3) If the city utility, city enterprise, or combined city
2 30 enterprise is prohibited under subparagraph (2) from
2 31 certifying delinquent rates or charges against the property or
2 32 premises served by the services described in subparagraph (1),
2 33 the city utility, city enterprise, or combined city enterprise
2 34 may certify the delinquent rates or charges against any other
2 35 property or premises located in this state and owned by the
3 1 account holder in whose name the rates or charges were
3 2 incurred.
3 3 b. This The lien under paragraph "a" may be imposed upon a

3 4 property or premises even if a city utility or enterprise
3 5 service to the property or premises has been or may be
3 6 discontinued as provided in this section.
3 7 c. A lien for a city utility or enterprise service under
3 8 paragraph "a" shall not be certified to the county treasurer
3 9 for collection unless prior written notice of intent to
3 10 certify a lien is given to the account holder ~~of in whose name~~
3 11 the delinquent ~~account rates or charges were incurred~~ at least
3 12 thirty days prior to certification. If the account holder is
3 13 a tenant, and if the owner or landlord of the property has
3 14 made a written request for notice, the notice shall also be
3 15 given to the owner or landlord. The notice shall be sent to
3 16 the appropriate persons by ordinary mail not less than thirty
3 17 days prior to certification of the lien to the county
3 18 treasurer.

3 19 d. Residential rental property where a charge for water
3 20 service is separately metered and paid directly to the city
3 21 utility or enterprise by the tenant is exempt from a lien for
3 22 delinquent rates or charges associated with such water service
3 23 if the landlord gives written notice to the city utility or
3 24 enterprise that the property is residential rental property
3 25 and that the tenant is liable for the rates or charges. A
3 26 city utility or enterprise may require a deposit not exceeding
3 27 the usual cost of ninety days of water service to be paid to
3 28 the utility or enterprise. Upon receipt, the utility or
3 29 enterprise shall acknowledge the notice and deposit. A
3 30 written notice shall contain the ~~name of the tenant~~
3 31 ~~responsible for charges~~, address of the residential rental
3 32 property that the tenant is to occupy, and the date that the
3 33 occupancy begins. ~~A change in tenant shall require a new~~
3 34 ~~written notice to be given to the city utility or enterprise~~
3 35 ~~within ten business days of the change in tenant.~~ When the
4 1 tenant moves from the rental property, the city utility or
4 2 enterprise shall return the deposit if the water service
4 3 charges are paid in full. A change in the ownership of the
4 4 residential rental property shall require written notice of
4 5 such change to be given to the city utility or enterprise
4 6 within ten business days of the completion of the change of
4 7 ownership. The lien exemption for rental property does not
4 8 apply to charges for repairs to a water service if the repair
4 9 charges become delinquent.

4 10 e. Residential rental property where a charge for any of
4 11 the services of sewer systems, storm water drainage systems,
4 12 sewage treatment, solid waste collection, and solid waste
4 13 disposal is paid directly to the city utility or enterprise by
4 14 the tenant is exempt from a lien for delinquent rates or
4 15 charges associated with such services if the landlord gives
4 16 written notice to the city utility or enterprise that the
4 17 property is residential rental property and that the tenant is
4 18 liable for the rates or charges. A city utility or enterprise
4 19 may require a deposit not exceeding the usual cost of ninety
4 20 days of the services of sewer systems, storm water drainage
4 21 systems, sewage treatment, solid waste collection, and solid
4 22 waste disposal to be paid to the utility or enterprise. Upon
4 23 receipt, the utility or enterprise shall acknowledge the
4 24 notice and deposit. A written notice shall contain the
4 25 address of the residential rental property that the tenant is
4 26 to occupy and the date that the occupancy begins. When the
4 27 tenant moves from the rental property, the city utility or
4 28 enterprise shall return the deposit if the charges for the
4 29 services of sewer systems, storm water drainage systems,
4 30 sewage treatment, solid waste collection, and solid waste
4 31 disposal are paid in full. A change in the ownership of the
4 32 residential rental property shall require written notice of
4 33 such change to be given to the city utility or enterprise
4 34 within ten business days of the completion of the change of
4 35 ownership. The lien exemption for rental property does not
5 1 apply to charges for repairs related to a service of sewer
5 2 systems, storm water drainage systems, sewage treatment, solid
5 3 waste collection, and solid waste disposal if the repair
5 4 charges become delinquent.

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5 8 PATRICK J. MURPHY
5 9 Speaker of the House

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5 12 JOHN P. KIBBIE
5 13 President of the Senate
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5 16 I hereby certify that this bill originated in the House and
5 17 is known as House File 783, Eighty=second General Assembly.
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5 20
5 21 _____
5 22 MARK BRANDSGARD
5 23 Chief Clerk of the House
5 23 Approved _____, 2007
5 24
5 25
5 26 _____
5 27 CHESTER J. CULVER
5 28 Governor